

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rule making related to funding for local services and providing an opportunity for public comment

The Human Services Department hereby proposes to amend Chapter 153, “Funding for Local Services,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code chapter 232 and sections 217.6 and 234.6.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 232 and sections 217.6 and 234.6.

Purpose and Summary

This proposed rule making is part of the Department’s five-year rules review process. Changes in Division I would set the requirements for developing a social services block grant preexpenditure report. This rule making would add references to the intended use plan, which is always done in tandem with the social services block grant preexpenditure report. The proposed report and intended use plan need to be available for public review and comment for a minimum of ten days instead of two weeks. Changes in Division II would update the number of the Department’s service areas from eight to six and update the name of Community Empowerment to Early Childhood Iowa. Division IV would be rescinded because the program no longer exists and Iowa Code section 331.440, which authorized the program, has been repealed.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on April 12, 2022. Comments should be directed to:

Nancy Freudenberg
Department of Human Services
Hoover State Office Building, Fifth Floor
1305 East Walnut Street
Des Moines, Iowa 50319-0114
Email: appeals@dhs.state.ia.us

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule 441—153.2(234) as follows:

441—153.2(234) Development of preexpenditure report and intended use plan.

153.2(1) The department of human services shall develop the social services block grant preexpenditure report and intended use plan on an annual basis. The report and plan shall be developed in accordance with the Code of Federal Regulations, Title 45, Part 96, Subpart G, as amended to ~~July 20, 2000~~ December 8, 2021. The report and plan shall describe the services to be funded, in what areas services are available and the amount of funding available. The plan shall also indicate the source of funding.

153.2(2) The department shall issue a proposed preexpenditure report and intended use plan before publication of the final report and plan. The proposed report and plan shall be available for public review and comment:

a. In each local office where a service area manager is based during regular business hours for a ~~two-week~~ ten-day period; and

b. On the department’s Internet ~~Web-site~~ website, www.dhs.iowa.gov.

153.2(3) The time and scope of public review will be announced each year. The announcement will indicate the time the proposed report and plan can be viewed. The department:

a. Shall make this information available on the department’s Internet ~~Web-site~~ website, www.dhs.iowa.gov, and post signs in each local human services office; and

b. May publish advertisements in each service area listing the time of review.

153.2(4) The department shall accept comments about the preexpenditure report and intended use plan during the specified public review and comment period. Individuals or groups may submit written comments to the service area manager or to the Division of Fiscal Management, Iowa Department of Human Services, Hoover State Office Building, 1305 E. Walnut Street, Des Moines, Iowa 50319-0114. The service area manager may arrange public hearings where testimony will be accepted.

153.2(5) The department shall consider the public comment when developing the final preexpenditure report and intended use plan.

153.2(6) A copy of the final preexpenditure report and intended use plan will be available:

a. In each local office where a service area manager is based; and

b. On the department’s Internet ~~Web-site~~ website, www.dhs.iowa.gov.

ITEM 2. Amend rule 441—153.3(234) as follows:

441—153.3(234) Amendment to preexpenditure report and intended use plan.

153.3(1) The preexpenditure report and intended use plan may be amended throughout the year. The department may file an amendment changing the kind, scope or duration of a service. Decisions to change a direct service or state purchase service will be made by the department.

Prior to filing an amendment, the department ~~and the county boards of supervisors~~ will evaluate available funds and the effect any change will have on clients.

153.3(2) An amendment in the preexpenditure report and intended use plan will be posted in the local offices affected by the amendment at least 30 days prior to the effective date of the change. However, in the event funding for the service has been exhausted, an amendment shall be posted immediately notifying the public that the service will no longer be available. The service area manager will, whenever possible, give advance notice of a service termination made necessary because funds have been exhausted. When a service is added or extended, an amendment may be posted immediately and a 30-day posting period is not required.

153.3(3) and 153.3(4) No change.

ITEM 3. Amend subrule 153.5(2) as follows:

153.5(2) Funding for services shall be allocated in accordance with the annual budgeting process. The department's annual budget is available for review on the department's Internet ~~Web site~~ website at www.dhs.iowa.gov. Costs may be shifted in and between service areas to ensure continued statewide availability of services.

ITEM 4. Amend rule ~~441—153.11(232)~~, definitions of “Decategorization agreement” and “Service area manager,” as follows:

“*Decategorization agreement*” means the agreement entered into among representatives of the department of human services, juvenile court services, and the county government in one or more counties to implement a decategorization project in accordance with the requirements of Iowa Code ~~Supplement~~ section 232.188 and this division.

“*Service area manager*” means the department official responsible for managing the department's programs, operations, and child welfare budget within one of the ~~eight~~ six department service areas. The centralized service area does not utilize decategorization services.

ITEM 5. Amend rule 441—153.12(232), introductory paragraph, as follows:

441—153.12(232) Implementation requirements. The decategorization initiative shall be implemented through the creation and operation of decategorization projects in department service areas that utilize decategorization services. One or more counties may jointly agree to form a decategorization project to implement the initiative. The decategorization initiative shall be implemented in accordance with the following requirements:

ITEM 6. Amend subparagraph **153.13(5)“b”(2)** as follows:

(2) ~~Community empowerment~~ Early childhood Iowa;

ITEM 7. Amend subrule 153.18(2) as follows:

153.18(2) Submission of plan. The decategorization services plan shall be submitted to the department's child welfare administrator and to the early childhood Iowa empowerment state board by October 1 of each state fiscal year.

ITEM 8. Amend subrule 153.19(2) as follows:

153.19(2) Submission of report. The progress report shall be submitted to the department's child welfare administrator and to the early childhood Iowa empowerment state board by December 1 of each state fiscal year.

ITEM 9. Amend **441—Chapter 153**, Division II implementation sentence, as follows:

These rules are intended to implement Iowa Code ~~Supplement~~ section 232.188.

- ITEM 10. Rescind **441—Chapter 153** Division IV preamble.
- ITEM 11. Rescind rules **441—153.51(331)** to **441—153.58(331)**.
- ITEM 12. Rescind **441—Chapter 153** Division IV implementation sentence.